

**REMARKS**

Upon entry of the present amendment, claims 6 will have been canceled without prejudice or disclaimer and claims 1-5, 7 and 8 will have been amended. Additionally, claims 9-14 will have been submitted for consideration by the Examiner.

In view of the herein contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejection together with an indication of the allowability of all of the claims pending in the present application. Such action is now believed to be appropriate and proper and is thus respectfully requested, in due course.

Initially, Applicants respectfully thank the Examiner for explicitly indicating that the drawings are approved.

Applicants additionally respectfully thank the Examiner for acknowledging their claim for foreign priority under 35 U.S.C. § 119, as well as for confirming that the certified copy of the priority document has been received. In this regard, since the present application is a national stage application under 35 U.S.C. § 371, Applicants assume that the Examiner intended to indicate that the certified copy of the foreign priority document has been received from the International Bureau.

Applicants further respectfully thank the Examiner for considering each of the documents cited in the Information Disclosure Statement filed in the present application on December 7, 2006, by the return of an appropriately annotated copy of the PTO-1449 Form attached to the above noted Information Disclosure Statement.

Additionally, Applicants note that they have filed a Supplemental Information Disclosure Statement in the present application on June 24, 2008, which apparently was

not associated with the present application prior to the mailing of the Official Action of June 30, 2008. Accordingly, Applicants respectfully request, in the next Official Action in the present application, that the Examiner confirm his consideration of the documents cited in the Information Disclosure Statement of June 24, 2008, by attaching an appropriately annotated copy of the PTO-1449 Form attached thereto.

In the outstanding Official Action, the Examiner asserted that the title of the invention is not clearly descriptive and/or indicative of the invention to which the claims are directed. The Examiner required submission of a title that is clearly indicative of the invention to which the claims are directed.

By the present response, Applicants have submitted a new title which is clearly indicative of the invention to which the claims are directed. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to the title of the present application.

The Examiner additionally objected to claim 8 as being informal. In particular, Examiner asserted that claim 8 recites an image forming apparatus as a preamble which does not agree with the preamble of claim 1, from which claim 8 depends.

Without in any manner acquiescing in the propriety of the Examiner's objection, by the present response, Applicants have amended claim 8 into independent form to recite an image forming apparatus according to a feature of the present invention. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to claim 8.

In the outstanding Official Action, the Examiner rejected claims 1, 2, 4, 6, and 8 under 35 U.S.C. § 103(a) as being unpatentable over KOU et al. (Japanese Patent

Publication No. 2-081074) in view of SAMESHIMA et al., (U.S. Patent No. 6,564, or 25). Applicant respectfully traverses the above noted rejection and submits that it is inappropriate with respect to the combination of features recited in Applicants claims

In particular, Applicants respectfully submit that no proper combination of the disclosures of the references relied upon by the Examiner are adequate or sufficient to teach, disclose, suggest, or render obvious the combination of features recited in Applicants claims. Accordingly, Applicants respectfully submit that the claims in the present application are clearly patentable over the references of record herein and respectfully request an indication to such effect in the next official communication in the present application.

Applicants' invention is directed toward a fixing device and to an image forming apparatus. Utilizing the fixing device recited in claim 1 as a non-limiting example of Applicants invention, the fixing device includes a heat producing element that performs heat fixing of an unfixed image on a recording medium, a heating section that is provided with power and that heats the heat producing element, and a power supply that receives an instruction from a control circuit located externally of the fixing apparatus and provides power to the heating section. A first detecting section detects a state of the heat producing element. A power suppression section, when the first detecting section detects a state in which a condition for not performing heat fixing for the heat producing element has been satisfied, suppresses providing of power regardless of the content of the instruction. A second detecting section is provided such that when the second detecting section receives, from the control circuit, the instruction for providing the power, detects that the feeding of the power is suppressed by the instruction and the heating section does

not perform or suppress the heating. No proper combination of the references relied upon by the Examiner in the outstanding Official Action teaches the above noted combination of features.

In particular, KOU et al. merely discloses that a transfer material adheres to a heating body through a fixing film moving at the same speed as the carrying speed of the transfer material and fixing is performed by pulse heating. Power is supplied to the heating body from a power source 3 and a temperature control circuit 4 controls the temperature of the heating body by operating a switch 6. Upon receiving a signal from a fixed film stopped detecting means 7, a fixed film stopped judging circuit 8, judges that the fixed film is stopped. Then, the circuit 8 outputs an off signal to a switch 5 and stops energization of the heating body. Accordingly, damage of the fixed film and smoking of the transfer material can be prevented (abstract; constitution).

However, the combination of features recited in Applicants claims and particularly the second detecting section, as defined therein in the claimed combination, is clearly not disclosed by KOU et al. As previously noted, KOU et al. merely discloses issuing an instruction for turning off a switch so as not to heat a heating element when a condition for not performing heating of the heating element is satisfied. Accordingly, KOU et al. neither discloses, nor suggests, nor renders obvious, the configuration of the present invention including the second detecting section as recited in Applicants claims. Accordingly, even the combination of KOU et al. and SAMESHIMA et al. cannot render unpatentable the various claims defining aspects of the present invention. In particular, SAMESHIMA et al. is merely relied upon by the Examiner for teaching a rotating

heating element but does not contain any disclosure regarding a second detecting section as recited in Applicants claims.

Accordingly, Applicants respectfully request reconsideration of each of the outstanding objections and rejection, together with an indication of the allowability of all the claims in the present application, in due course.

Applicants note with appreciation and obvious acquiescence the Examiner's indication of allowable subject matter in dependent claims 3, 5, and 7. Applicants additionally appreciate the Examiner's suggestion that these claims would be allowable if rewritten into independent form. However, in view of the fact that Applicants have set forth a clear basis supporting the patentability of each of the claims in the present application, Applicants respectfully decline to rewrite any of the objected to claims into independent form at the present time.

By the present response Applicants have submitted a number of additional dependent claims for consideration by the Examiner. These claims are submitted to be allowable over the references of record in the present application based on their dependence from a shown to be allowable claim as well as based upon their own respective recitations, in the claimed combinations.

### **SUMMARY AND CONCLUSION**


Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have submitted a new title and a new abstract for entry into the present application and cancelled a claim without prejudice or disclaimer. Additionally, Applicants have amended various of the claims to eliminate informalities, to clarify the features of the present invention and to emphasize the distinctions between the present invention and the disclosures of the references relied upon by the Examiner. Additionally several new claims have been submitted for consideration by the Examiner.

Further, Applicants have set out the differences and distinctions between the present invention, as defined by the claims, and the disclosures of the references cited by the Examiner. In particular, Applicants have noted the shortcomings of the references with respect to the present claims. Further, Applicants have discussed the deficiencies of the cited references with respect to the explicitly recited features of Applicants' claims. Accordingly, Applicants have provided a clear evidentiary basis supporting the patentability of all claims of the present application and respectfully request an indication to such effect, in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
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